

REMARKS

By this amendment, claims 1-6, 64, and 65 have been amended. New claims 66-67 have been added. Claims 1-6 and 64-67 are pending in the application. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

Claims 2-6 have been amended in minor fashion and are now in condition for allowance.

Claims 1 and 64-65 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,918,072 (the '072 patent). Claims 1 and 64-65 also stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 56 of the '072 patent. The Applicant notes that during subsequent prosecution the claims of the present application may be amended to make this rejection unnecessary. Additionally, the Applicant notes that the claims can be fully considered now without this issue being immediately addressed. As such, the Applicant respectfully requests that the double patenting rejection be held in abeyance until allowable subject matter is indicated, or that the rejection be withdrawn.

Claim 64 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim has been amended to address the antecedent basis concern. The limitation of "in a field" derives support from paragraphs [0086]-[0089] of the specification, which describe exemplary embodiments in which the invention is used "in the field" and is tested and repaired after leaving the production facility. Applicant respectfully requests that the 35 U.S.C. § 112, second paragraph rejection of these claims be withdrawn.

Claims 1-6 and 64-65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brauch et al. (US 6,550,023). This rejection is respectfully traversed. In order to establish a *prima facie* case of obviousness “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” M.P.E.P. §2142. Brauch et al., even when considered in combination with the assertion of obviousness in the Office Action, does not teach or suggest all limitations of independent claims 1, 64, or 65.

Claim 1, as amended, recites a method of testing a memory die comprising, *inter alia*, a method of testing a memory die, comprising “testing said memory die; and storing in said memory die at least a partial address of any defective memory cell found during said testing, wherein said storing replaces any previously stored address or partial address, said at least a partial address corresponding to a memory cell having failed said testing, wherein said testing and storing are performed outside of a production facility of said die.” (emphasis added). Claims 64-65 recite similar limitations. Applicant respectfully submits that Brauch et al. does not disclose, teach, or suggest these limitations.

To the contrary, Brauch et al. teaches that “the comparison mismatch information is stored in a bitmap storage 18 located on-chip for later retrieval by external hardware. The accumulated mismatch pairs at the end of the test comprise a complete bitmap of the precise location of failed cells in memory 4 that were detected by the particular memory test executed by BIST functional block 6.” Col. 3, ln. 42-48 (emphasis added). Applicants respectfully submit that Brauch et al. does not disclose, teach, or suggest “storing in said memory die at least a partial address of any defective memory cell found during said testing, wherein said storing replaces any previously stored address or partial address,” as recited in claims 1, 64, and 65. Although the Office Action asserts (at p. 4) that “testing and storing would have been performed

outside of a production/manufacturing facility of a die" would be obvious to one skilled in the art, this would not cure the above-described deficiencies. Thus, the assertion does not remedy the deficiency of Brauch et al.

Since Brauch et al. does not teach or suggest all of the limitations of claims 1, 64, and 65, claims 1, 64, and 65 are not obvious over Brauch et al. Claims 2-5 depend, respectively, from claim 1, and are patentable at least for the reasons mentioned above, and on their own merits. Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 1-6 and 64-65 be withdrawn and the claims allowed.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Dated: November 16, 2006

Respectfully submitted,

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